

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NICE SYSTEMS, INC., a Delaware Corporation, and)	
NICE SYSTEMS, LTD., an Israeli Corporation,)	
)	
	Plaintiffs,)
v.)	Civil Action No. 06-311-JJF
)	
WITNESS SYSTEMS, INC, a Delaware Corporation,)	
)	
	Defendant.)

CLAIM CONSTRUCTION REFERENCE TABLE

Plaintiffs Nice Systems, Inc., and Nice Systems, Ltd. (collectively “NICE”) hereby submit the attached Claim Construction Reference Table, which refers, in its three right-hand columns, to NICE’s Opening and Responsive Claim Construction Briefs [D.I. 151 and 168], and to NICE’s presentation slides submitted during the Markman Hearing held on June 26, 2007. For the convenience of the Court, NICE’s submission incorporates Defendants’ Claim Construction Reference Table [D.I. 184] in its entirety, including Witness’ footnotes, as drafted by Witness.

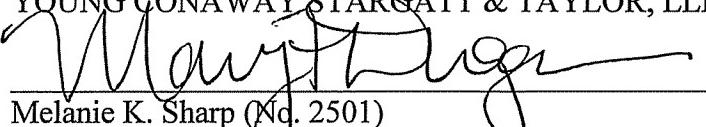
Where the parties’ Amended Joint Claim Construction Chart [D.I. 128] separately lists multiple iterations of a single disputed term without substantial phrasing differences, NICE has proposed the same construction for all iterations and lists only one iteration of the term in this table and in its briefs and presentations. Nevertheless, the same arguments apply with equal force to all iterations of the disputed terms, and the Court should adopt NICE’s proposed construction of the disputed term where it appears.

In addition, since the filing of the parties’ Amended Joint Claim Construction Chart on May 10, 2007 [D.I. 128], the parties have agreed to constructions of several

disputed terms, identified in the Stipulation Regarding Agreed Claim Construction Terms [D.I. 183]. The footnotes in the attached Claim Construction Reference Table contain the parties' agreed-upon constructions.

Dated: June 27, 2007

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Attachment A

Term Number	Claim Term	Witness Presentation Slide Number	Witness Opening Brief Page Number	Witness Response Brief Page Number	NICE Presentation Slide Number	NICE Opening Brief Page Number	NICE Response Brief Page Number
Patent Nos. 6,249,570, 6,728,345, & 6,785,370¹							
1	telephone call	9-13	5	1-2	55-58	26, 40	
2	telephone call segments	14-15	5-6	2-3		28	
2(a) ²	telephone call segment	14-15	5-6	2-3		28	
3	segment	16-22	6-7	3-4		36	
4	telephony event	23-28	7-9	4	59-60	27-28, 40	1-3
5	data representation	29-41	9-12	5-7	61-65		
6	data representation of a lifetime of the telephone call	29-41	9-12	5-7	61-65	29-30	3
7	call record	29-41	9-12	5-7	61-65	34-35	
8	master call record	29-41	9-12	5-7	61-65, 94	35-36	5
9	constructing a data representation of a lifetime of the telephone call using data regarding telephone call that is bounded by telephony events ³	42-48	13-14	7-8		30-31	3-4

¹ In addition to the disputed terms listed here, Witness Systems has agreed to NICE's proposed construction of "real-time link": "a data link providing data regarding telephony events during the call at the occurrence of each telephony event."

² Witness Systems initially offered a construction of the singular, "telephone call segment," while NICE offered a construction of the plural, "telephone call segments." The parties have now agreed to constructions of both terms. See Witness Systems' Presentation Slide Nos. 14-15 ("telephone call segments": Portions of a telephone call that are each bounded by telephony events" and "telephone call segment" : Portion of a telephone call that is bounded by telephony events").

Term Number	Claim Term	Witness Presentation Slide Number	Witness Opening Brief Page Number	Witness Response Brief Page Number	NICE Presentation Slide Number	NICE Opening Brief Page Number	NICE Response Brief Page Number
	telephony events associated with the telephone call segments of the telephone call						
10	wherein said data representation are constructed using data regarding telephony events associated with telephone call segments	42-48	13-14	7-8	32-33	4-5	
11 ³	matching a received telephony event with a constructed call record	49-54	14-15	8-9	66-67, 96	37	5-6
12 ⁴	combining said updated call record with data indicating	55-60	15	9	95	38-40	6-7

³ Witness Systems' proposed construction of term 11 differs from the construction in the parties' Amended Joint Claim Construction Chart. Witness Systems has offered the following construction as a compromise: "Calculating to resolve an ambiguity as to whether a received telephony event is part of a constructed call record."

⁴ Witness Systems' proposed construction of term 12 differs from the construction in the parties' Amended Joint Claim Construction Chart. Witness Systems has offered the following construction as a compromise: " Storing data indicating one or more locations of recorded audio data for two or more segments of the call in an updated call record, where the updated call record does not previously have such location data."

Term Number	Claim Term	Witness Presentation Slide Number	Witness Opening Brief Page Number	Witness Response Brief Page Number	NICE Presentation Slide Number	NICE Opening Brief Page Number	NICE Response Brief Page Number
	one or more locations of recorded audio data for two or more segments of the call						
Patent No. 5,396,371							
13	buffer	64-69	16-18	10	40-41	5	7
14	digital audio tape	70-75	16-18	10	42-44	5-6	7-8
15	writing the audio data from the buffer onto a digital audio tape and a random access storage device	76-83	18-20	11-13	45-47	6-7	8-9
16	pair of pointers	84-88	20-22	13-14	48	8	9-10

Term Number	Claim Term	Witness Presentation Slide Number	Witness Opening Brief Page Number	Witness Response Brief Page Number	NICE Presentation Slide Number	NICE Opening Brief Page Number	NICE Response Brief Page Number
17	the first of said pointers operative for transmitting audio data to said random access storage device from said buffer and the second of said pointers being operative to send audio data from said random access storage device to said controller	89-94	20-22	13-14	49-53	9-10	9-10
Patent No. 5,274,738							
18	audio processor	98-103	23-24	15	79-81	43-44	10-11
19	digital signal processor	104-111	24-26	15-16		41-42	11-12
20	application processor	104-111	24-26	15-16		42-43	11-12
Patent No. 5,819,005							
21	circuit modules in said housing for converting analog voice signals to digital voice signals	115-121	26-28	16-17	69-71, 98-99	44-46, 48-49	12-13

Term Number	Claim Term	Witness Presentation Slide Number	Witness Opening Brief Page Number	Witness Response Brief Page Number	NICE Presentation Slide Number	NICE Opening Brief Page Number	NICE Response Brief Page Number
22	a circuit in said housing for compressing said digital voice signals	115-121	26-28	16-17	69-71, 98-99	46-47	12-13
23	analog voice signals	122-125	28	17		46	13
24	digital audio tape	126-131	28-29	18		48	7-8, 14
Patent No. 6,775,372							
25	telecommunications (“telecom”) stage	134-139	30-31	18	25-27	17-18	14-16
26	distribution stage	140-144			28	18-19	
27 ⁵	wherein at least two stages of the system are physically separable and in operation can be located wide distances apart		31-32	19		19-20	16-17
28	Web server	145-150	32-33	19-20	29-32, 90-91	20, 21	17-19
Patent No. 6,870,920							
29	Web server	154-160	33-34	20	29-32, 90-91	20, 21	17-19
30	receiving a request for retrieval of stored data	161-166	34-35	20-21	33-35	22	19-20

⁵ The parties have recently agreed that term 27 does not require construction. Accordingly, Witness Systems does not address this term in its presentation.

Term Number	Claim Term	Witness Presentation Slide Number	Witness Opening Brief Page Number	Witness Response Brief Page Number	NICE Presentation Slide Number	NICE Opening Brief Page Number	NICE Response Brief Page Number
31	retrieving stored data	161-166	34-35	20-21	33-35	23	19-20
32	transferring the retrieved data	161-166	34-35	20-21	33-35	23-24	19-20
33	digital logger	167-171	35	21-22	36-37	21-22	20
34 ⁶	record of an input channel	172-177	35-37	22		24-25	20-21
35 ⁷	record of a communication channel	172-177	35-37	22		25	20-21
Patent No. 6,959,079							
36	event manager	180-186	37-38	22-23	73-74	15-16	21-22
37	predefined monitoring condition	187-192	38-39	23	75	16	23
Patent No. 7,010,109							
38	conference controller	195-202	41-44	24	6-7	11-12	23-27
39	through a conference controller	195-202	41-44	25	8-10	12-13	23-27
40	recording device	203-207	44-45	25	11-13	13	27

⁶ Witness Systems' proposed construction of term 34 differs from the construction in the parties' Amended Joint Claim Construction Chart.

Witness Systems has offered the following construction as a compromise: "Record corresponding to an input channel."

⁷ Witness Systems' proposed construction of term 35 differs from the construction in the parties' Amended Joint Claim Construction Chart.

Witness Systems has offered the following construction as a compromise: " Record corresponding to a communication channel."

Term Number	Claim Term	Witness Presentation Slide Number	Witness Opening Brief Page Number	Witness Response Brief Page Number	NICE Presentation Slide Number	NICE Opening Brief Page Number	NICE Response Brief Page Number
41	entering the recording device to the conference call as an additional participant	208-212	45	25-26	14-16	13-14	28
42	IP data session	213-219	46-47	26-27	17-19	10-11	28-30
43	the portion of the IP data session	220-225	47-49	27-28	20-22	14	30

CERTIFICATE OF SERVICE

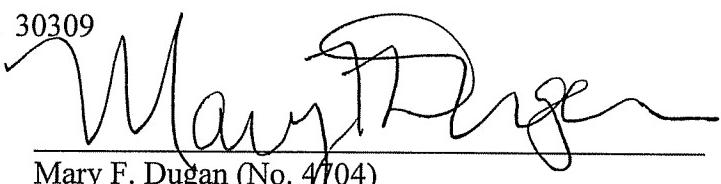
I, Mary F. Dugan, Esquire, hereby certify that on June 27, 2007, I caused to be electronically filed a true and correct copy of the foregoing document, Claim Construction Reference Table, with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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I further certify that on June 27, 2007, I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record and on the following non-registered participants in the manner indicated:

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